

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

| | | |
|---------------------------|---|------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Cause No.: 4:18-CR-00333 HEA |
| |) | |
| GARY KEITH ATCHLEY, |) | |
| |) | |
| Defendant. |) | |

MOTION FOR COMPASSIONATE RELEASE

COMES NOW Defendant, by and through his undersigned counsel, and for his motion for compassionate release made pursuant to 28 C.F.R. § 571.61 and 18 U.S.C 3582(c)(1)(A), states as follows:

1. Defendant is currently serving a 15- month sentence for the non-violent offense of wire fraud (see Doc. 47 for Judgment).

2. Defendant has been in federal custody since April 11, 2019 with a reported projected release date of May 11, 2020. On information and belief, Defendant may be eligible for conditional release as early as December 4, 2019.

3. On July 5, 2019, Mr. Atchley's wife suffered a serious and debilitating fall in which she severed muscles and tendons in her left arm. Ms. Atchley has undergone at least one surgery and cannot drive or work. (See attached **Exhibit A**, Physician Letter).

4. Ms. Atchley's injuries require serious recuperation time and will almost certainly result in the loss of her employment.

5. On information and belief, Ms. Atchley is without disability insurance and will therefore be unemployed and without income during this period of recuperation.

6. Mr. Atchley is the only caretaker of his wife and the couple's 14-year old son.

7. Ms. Atchley's injuries could not have been reasonably foreseen by the District Court at the time of sentencing.

8. On July 16, 2019 pursuant to 28 C.F.R §571.61, the Defendant, through counsel, made a request to the Warden of his facility in Manchester, Kentucky, to bring a motion of compassionate release on his behalf (attached hereto as **Exhibit B**). This letter was sent via email and U.S. Mail and received by the facility on July 16, 2019.

9. Thirty days has passed since the letter was received, and the Warden has not responded nor has he brought a motion to the Court on Defendant's behalf. Accordingly, pursuant to 18 U.S.C. §3582(c)(1)(A), Defendant moves this Court for compassionate release so he can care for his wife and son.

10. If released, Mr. Atchley will reside with his wife at the family home, 1821 PCR 916, Perryville, Missouri 63775.

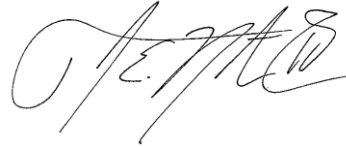
11. If released, Mr. Atchley's prior employer, Loyet Landscaping, has agreed to re-employ him immediately upon release.

12. The Assistant United States Attorney has been consulted regarding this request and does not oppose a compassionate release on this basis.

WHEREFORE, Defendant respectfully requests that the Court grant him compassionate release and for such further relief as the Court may deem just and proper in the premises.

Respectfully submitted,

NEWTON BARTH, L.L.P



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Attorney for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was electronically served on all parties of record via the court's e-filing System on this 16th day of August, 2019.